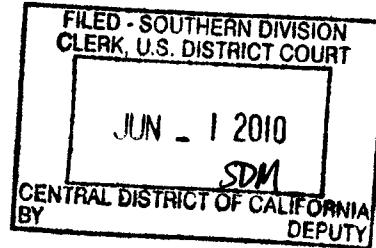


JS-6



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ALACER CORP., a California
corporation,

Plaintiff,

v.

FORTRESS SYSTEMS LLC, a
Nebraska Limited Liability Company
d/b/a FSI NUTRITION,

Defendant.

CASE NO. SACV09-01423 DOC (RNBx)

~~PROPOSED~~ DISMISSAL OF
COMPLAINT AND COUNTERCLAIM

AND RELATED COUNTERCLAIM.

THIS DISMISSAL IS MADE PURSUANT TO THE PARTIES
STIPULATION FOR DISMISSAL. The Court, having considered the stipulation of
the parties Plaintiff ALACER CORP. and Defendant FORTRESS SYSTEMS, INC.
d/b/a FSI NUTRITION, through their respective attorneys of record, hereby enters,
pursuant to Federal Rule of Civil Procedure 41(a)(1) a dismissal without prejudice

1 of the entire Complaint filed by Plaintiff, and the entire Counterclaim filed by
2 Defendant, subject to the terms of the parties' confidential Settlement Agreement.
3 Each side will bear its own costs, including attorney fees associated with the
4 Complaint and Counterclaim.

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6
7 Dated: May 28, 2010

David O. Carter

8 United States District Judge

9 DAVID O. CARTER

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